

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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RALPH SCHWARZ,

Plaintiff,

v.

U.S. FOODSERVICE, INC.,

Defendant.

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CIVIL ACTION NO. 05-10331-EFH

**JOINT MOTION TO EXTEND DISCOVERY AND RELATED DEADLINES**

Defendant U.S. Foodservice, Inc. ("U.S. Foodservice") and Plaintiff Ralph Schwarz ("Schwarz") respectfully request that the Court extend the discovery deadline until May 31, 2006 and the related dispositive motion deadlines in this matter. In support of this motion, the parties state:

1. Discovery is scheduled to close on April 14, 2006.

2. Due to the parties attempt to resolve this dispute and despite the parties' best efforts to complete discovery expeditiously, it will not be possible to complete discovery by the current deadline.

3. Counsel for the parties have agreed to complete all discovery by May 31, 2006.

The parties request the Court to extend such deadline accordingly.

4. In accordance with the extended discovery deadline, the parties also request the Court to extend the deadline for filing dispositive motions as follows: (1) all motions for summary judgment to be filed on or before June 30, 2006; (2) oppositions to motions for summary

judgment to be filed on or before July 31, 2006; and (3) any reply briefs to be filed by August 15, 2006.

5. This motion is made within the time originally prescribed in accordance with Fed. R. Civ. P. 6, in good faith, and with no intent to delay these proceedings. The extension will not affect the timing of any other deadline and will not delay any hearing, conference or trial in this matter.

6. This is the parties' third request for extension of these deadlines. Neither party will be prejudiced if the Court grants this motion. If the Court denies it, however, each party will be deprived of the opportunity to obtain discovery relevant to this case.

WHEREFORE, the parties respectfully request that the Court grant this motion and order that the deadline for completing discovery be extended until May 31, 2006 and that the related deadlines for filing and responding to dispositive motions be extended accordingly.

Respectfully submitted,

**THE PLAINTIFF,**  
**RALPH SCHWARZ**  
By his attorney,

**THE DEFENDANT,**  
**U.S. FOODSERVICE, INC.**  
By its attorneys,

/s/ Frank P. Spinella, Jr.  
Frank P. Spinella, Jr. (BBO# 566536)  
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/s/ John P. McLafferty  
John P. McLafferty (BBO# 639179)  
Joy E. Barni (BBO #653711)  
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One International Place  
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(617) 345-4600

Dated: April 12, 2006

**CERTIFICATE OF SERVICE**

I, John P. McLafferty, do hereby certify that on this 12th day of April, 2006, I electronically filed Joint Motion to Extend Discovery and Related Deadlines using the CM/ECF system which will send notification of such filing(s) to the following: Frank P. Spinella, Jr., Hall, Morse, Anderson, Miller & Spinella, P.C., 14 Centre Street, P.O. Box 2289, Concord, NH 03302-2289.

/s/ John P. McLafferty  
John P. McLafferty